

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

**WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE**

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION No.23170 of 2000

Between:

Iqbal Ahmed, S/o.Md.Modu Miyan,
Occ: Sheristadar,
Senior Civil Judge's Court, Medak.

..... PETITIONER

AND

- 1 The Registrar (Administration)
High Court of Andhra Pradesh, Hyderabad
- 2 The District and Sessions Judge,
Medak District at Sangareddy.
- 3 The Senior Civil Judge, Medak

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction preferably a writ in the nature of Certiorari calling for the records relating to impugned proceedings Order Roc.No.973/2000-C.I(1), Dtd.20/07/2000 issued by the 1st respondent and quash the same by holding it as illegal, bad and arbitrary and further direct the respondents to declare the probation of the petitioner in the category of Sheristadar (Category-2) and consider his case for promotion to the posts in Category-1 ignoring the remarks of the 2nd respondent with all consequential benefits and pass such further or other orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner : Sri J.R.MANO HAR RAO

Counsel for the Respondents: Sri C.V.NAGARJUNA REDDY

The Court made the following :

ORAL ORDER: (Per Hon'ble the Chief Justice)

Petitioner challenges the action of respondents in issuing proceedings dated 20th July, 2000 with prayer to quash the same as arbitrary, illegal and to declare the probation of the petitioner in the category of Sheristadar (Category-2) and consider his case for promotion to the post in Category-I ignoring the remarks of respondent No.2 with all consequential benefits.

In proceedings dated 20th July, 2000, the representation of petitioner was disposed of by the first respondent with the observation that as per Rules, promotion is on the basis of merit and ability, the seniority being considered where merit and ability are equal, and that the work of the petitioner is not satisfactory and his probation is also not declared and therefore, the representation has no merit and is liable to be rejected.

Writ Petition is opposed in the affidavit in reply filed by the District and Sessions Judge, Medak, stating that in the case of promotion to the post of Category-I, being a selection post, seniority is not the only criterion, and seniority and merit are required for promotion and though the petitioner is senior-most, there were already some complaints received against him and proceedings initiated against him were already pending, because of which, he could not be considered for promotion.

When the writ petition came up for hearing, we asked learned standing counsel for respondents to enquire as to whether there were any proceedings pending or

contemplated against the petitioner. The Principal District and Sessions Judge, Medak, informed the Registrar (Administration), High Court of Andhra Pradesh, vide communication dated 16-12-2004 that as per the Service Register of the petitioner and as per office record, there are no disciplinary proceedings pending or initiated against the petitioner.

In view of the aforementioned communication, we allow the writ petition with direction to respondents to declare the petitioner's probation from the due date within a period of one month from the date of receipt of writ order from the Court and to consider the petitioner for promotion as and when vacancy would arise for being promoted to Category-I.

DEVINDER GUPTA, C.J.

M.NARAYANA REDDY, J.

02-02-2005

bsc

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Registrar (Administration)
High Court of Andhra Pradesh, Hyderabad
- 2 The District and Sessions Judge,
Medak District at Sangareddy.
- 3 The Senior Civil Judge, Medak

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